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In re Application of : **OFFICE OF PETITIONS**
Kuwabara et al. :
Application No. 10/781,433 : **DECISION GRANTING PETITION**
Filed: February 17, 2004 :
Attorney Docket No. 44342.018001 :

This is a decision on the petition filed August 31, 2004, requesting that the above-identified application be accorded a filing date of February 17, 2004, with page 129 of the specification as part of the original disclosure.

On February 17, 2004, applicants filed the above-identified application. On August 23, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of February 17, 2004, and advising applicants that page 129 of the specification appeared to have been omitted.

In response, on August 31, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of "Patent Application (147 pgs of specs; 3 pg. Claims; 1 abstract; 0 pgs drgs Total 151). Additionally, applicants submitted page 129 of the specification with the present petition.

Upon review of the record, page 129 of the specification deposited on February 17, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 17, 2004, included page 129 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 129 of the specification, was complete on filing and will be granted a filing date of February 17, 2004.

Accordingly, the petition is granted.

The Notice of Omitted Items mailed on August 23, 2004, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-1561.

The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of February 17, 2004**, using the application papers submitted on that date, and page 129 of the specification submitted on August 31, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
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